

## R414-29 Recipient Restriction Program (Restriction)

### 1. Purpose and Authority

Restriction promotes appropriate use of quality medical services by eligible Utahns by identifying and correcting misuse of services.

The authority for this program is written in 42 CFR 431.54 (e).

### 2. Definitions

Restriction Pharmacy (RPH): the only pharmacy that can receive Medicaid reimbursement for dispensing non-emergency pharmacy items to a restricted recipient

Restriction Primary Care Provider (RPCP): an MD, DO, or clinic who agrees to become the primary medical care provider for all of a restricted recipient's non-emergency medical needs

### 3. Identification of Misuse of Services

Recipients misusing medical services may be identified by one or more of the following:

- analysis of medical claims records
- review of medical records
- referrals from other agencies, providers, or the general public

After initial identification, an assessment will be based on one or more of the following criteria:

- care was obtained through 2 or more different practitioners
- prescriptions were obtained through 2 or more different prescribers
- emergency rooms were used for non-emergency services, as defined by the "Utah Medicaid Table of Authorized Emergency Diagnosis"
- use of 2 or more different emergency rooms
- concurrent use of drugs which are in the same therapeutic class, when prescribed by 2 or more different practitioners
- indications of forged or altered prescriptions
- failure to obtain required referrals from the PCP, prior to getting medical services
- the diagnosis(es) being treated

### 4. Request for Additional Information

Any decision to enroll in Restriction will be based on the best available information.

If this information indicates that there may be misuse, the recipient will be provided written notice of the problem. The notice will:

- invite the recipient to provide additional information justifying their use of services (information must be in writing, submitted no less than 10 calendar days after the date the notice is issued)
- tell the recipient that failure to submit written justification will result in being enrolled in the Recipient Restriction Program (effective date of enrollment to be no earlier than 10 calendar days after the date the notice is issued)
- state the reasons for restriction, indicating the factors or combination of factors which justify restriction
- cite the regulation giving authority to enroll in restriction
- include a statement indicating that if the recipient disagrees with the decision, they can request a formal hearing, with instructions as to how to request a formal hearing, including a hearing request form.
- invite the recipient to choose a RPCP and Restriction Pharmacy (to be provided no less than 10 calendar days after the date the notice is issued)
- give the names of an RPCP and Restriction Pharmacy which will be assigned in the event that the recipient does not contact Restriction with an alternative, within 10 calendar days after the date the notice is issued.

If information is submitted within 10 days of the original notice, it will be evaluated along with the original data.

If information is not submitted within 10 days of the original notice, restriction will become effective with no further notice.

## 5. Evaluation of Additional Information

Restriction staff will accept and consider any new written information justifying the medical services which have been received. Medical records will be reviewed by a Medicaid staff physician, who will make a determination as to whether or not the recipient's use of medical services constitute misuse, and therefore warrant enrollment in Restriction.

- If it is determined that there is no misuse, the case will be closed and a written notice will be sent to the recipient advising them of the results and that no further action will be taken.
- If it is determined that there is misuse, the recipient will be sent a notice indicating:
  - that they are being enrolled in the restriction program
  - the reasons for restriction, indicating the factors or combination of factors which justify restriction
  - a citation of the regulation giving authority to enroll in restriction
  - if the recipient disagrees with the decision, they can request a formal hearing, with instructions as to how to request a formal hearing including a hearing request form.

- the recipient can choose a RPCP and RPH (to be provided no less than 10 calendar days after the date the notice is issued)
- the names of an RPCP and RPH which will be assigned in the event that the recipient does not contact Restriction program staff within 10 calendar days after the date the notice is issued.

## 6. Choosing the RPCP

The recipient may choose their own RPCP as long as the provider is willing to serve in that capacity, and as long as the selection is acceptable to Restriction. In order to be an RPCP, the physician must agree to:

- provide a referral to another physician when needed care is not within the RPCP's field of expertise, or when for some other reason it cannot be provided by the RPCP.
- take after hours calls
- approve or deny drugs prescribed by other providers, when contacted by the pharmacy to which the patient is restricted
- educate patient regarding appropriate use of medical services
- develop a written treatment plan that is understood and accepted by the patient
- monitor patient's compliance with approved treatment plan
- communicate patient's problems and successes to Restriction staff
- work with the Restriction Pharmacy, dentists, etc. sharing pertinent information regarding the patient
- manage all of the patient's medical care

Restriction reserves the right to assign an RPCP whenever circumstances in the best interest of the person or program warrant. Once the RPCP has been assigned, any request to change must be submitted in writing. The request to change must contain written verification from the new RPCP that he or she is willing to be the recipient's RPCP. Circumstances under which the RPCP may be changed are:

- unacceptable provider/patient relationship
- patient or doctor has moved
- physician quits practicing
- provider's practice becomes too large to accommodate the patient
- RPCP requests that another RPCP be assigned to the patient
- Medicaid staff physician recommendation

## 7. Choosing the RPH

The recipient may choose their own RPH as long as the pharmacy is willing to serve in that capacity, and as long as the selection is acceptable to Restriction. In order to be an RPH, the pharmacy must agree to:

- share appropriate information with the RPCP.
- only fill prescriptions prescribed by the RPCP, unless approved by the RPCP
- monitor drugs being dispensed
- report misuse to Restriction staff

## 8. Length of Restriction

All recipients enrolled in Restriction will remain enrolled until they have demonstrated that they are properly utilizing medical services. If a person enrolled in Restriction loses medicaid eligibility and subsequently re-establishes eligibility, they will be automatically re-enrolled in Restriction until they have demonstrated that they are properly utilizing medical services

All Restriction enrollment will be assessed annually. The assessment at this time will be based on the following criteria:

- care was obtained through 2 or more different practitioners
- prescriptions were obtained through 2 or more different prescribers
- emergency rooms were used for non-emergency services, as defined by the "Utah Medicaid Table of Authorized Emergency Diagnosis"
- use of 2 or more different emergency rooms
- concurrent use of drugs which are in the same therapeutic class, when prescribed by 2 or more different practitioners
- indications of forged or altered prescriptions
- failure to obtain required referrals from the PCP, prior to getting medical services
- the diagnosis(es) being treated
- failure to follow medical advice as provided by the RPCP and the Restriction Pharmacy
- recommendation of the RPCP

( ) include a statement indicating that if a recipient disagrees with the decision, he may request a formal hearing. The RRP shall provide the recipient with instructions on how to request a formal hearing, including a hearing request form;